

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Sally Tiner,

Plaintiff

v.

Patenaude & Felix, A.P.C.,

Defendant

FILED ELECTRONICALLY

---

**COMPLAINT**

**I. Introduction**

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

**II. Jurisdiction and Venue**

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

### **III. Parties**

4. Plaintiff, Sally Tiner, is a natural person residing at 1913 Capouse Ave., Scranton, PA 18509.

5. Defendant, Patenaude & Felix, A.P.C., (“the Collector”) is a professional corporation engaged in the business of collecting debts in this state with a place of business located at 213 E. Main St., Carnegie, PA 15106.

6. The Collector is a “debt collector” as defined by the Act, 15 U.S.C. § 1692a(6).

### **IV. Statement of Claim**

7. On or before May 20, 2009, the Collector began attempting to collect an alleged account (“the Account”) from Plaintiff.

8. The Account is a “debt” as that term is defined by the Act, 15 U.S.C. § 1692a(5).

9. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

10. On May 20, 2009, the Collector caused one (1) telephone call (“*the Call*”) to be placed to phone number (570) 903-8918.

11. The aforementioned phone number was assigned to the address identified in paragraph 4 at all times relevant to this matter.

12. During *the Call*, an employee of the Collector left a message (“*the Message*”) for Plaintiff.

13. 15 U.S.C. § 1692e(11) requires a debt collector to disclose that the communication is from a debt collector in each communication with a consumer.

14. In *the Message*, the caller failed to disclose that the call was from a debt collector.

15. In *the Message*, the caller failed to provide the disclosure required by 15 U.S.C. § 1692e(11).

16. *The Call* and *Message* were attempts to collect the Account.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney’s fees, and such other and further relief as the Court deems just and proper.

## **V. Demand for Jury Trial**

17. Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington  
Kenneth W. Pennington  
Bar Number PA 68353  
Attorney for Plaintiff  
Sabatini Law Firm, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Phone (570) 341-9000  
Facsimile (570) 504-2769  
Email kpecf@bankruptcypa.com